

Jennifer Lynch (SBN 240701)  
*jlynch@eff.org*  
ELECTRONIC FRONTIER FOUNDATION  
815 Eddy Street  
San Francisco, CA 94109  
Telephone: (415) 436-9333  
Facsimile: (415) 436-9993

David L. Sobel (*pro hac vice*)  
*sobel@eff.org*  
ELECTRONIC FRONTIER FOUNDATION  
1818 N Street, N.W., Suite 410  
Washington, DC 20036  
Telephone: (415) 436-9333 x202  
Facsimile: (415) 436-9993

*Attorneys for Plaintiff*  
ELECTRONIC FRONTIER FOUNDATION

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ELECTRONIC FRONTIER FOUNDATION,	)	Case No.: 4:09-cv-03351-SBA
	)	
Plaintiff,	)	<b>STIPULATION AND <del>PROPOSED</del></b>
	)	<b>ORDER ENLARGING TIME TO</b>
v.	)	<b>RESPOND TO ORDER ON PARTIES'</b>
	)	<b>CROSS MOTIONS FOR SUMMARY</b>
	)	<b>JUDGMENT</b>
	)	
CENTRAL INTELLIGENCE AGENCY, <i>et al.</i> ,	)	[Civ. L.R. 6-2]
	)	
Defendants.	)	Courtroom: 1, 4th Floor
	)	Hon. Sandra B. Armstrong
	)	
	)	
	)	

1 Pursuant to Fed. R. Civ. P. 6(b)(1) and Civil L.R. 6-2, the parties to this Freedom of  
2 Information Act (FOIA) action, by and through undersigned counsel, hereby stipulate and  
3 respectfully request to enlarge the time to respond to the Court's September 30, 2013 Order on the  
4 parties' Cross Motions for Summary Judgment (Doc. No. 81) to June 5, 2014. In accordance with  
5 Civil L.R. 6-2(a), this stipulation is supported by the Declaration of Jennifer Lynch, counsel for  
6 Plaintiff, filed herewith, and a proposed order below.

7 The parties submit, and the Declaration of Ms. Lynch establishes, that there is good cause  
8 for the requested change as follows:

9 Pursuant to the Court's September Order and three subsequent modifications to that Order  
10 (November 20, 2013, February 19, 2014, and March 21, 2014 (Doc. Nos. 84, 86, & 88)), the Court  
11 ordered Defendants to release to Plaintiff the information that the Court had not determined was  
12 properly withheld or serve Plaintiff with satisfactory supplemental *Vaughn* indexes and  
13 declarations by no later than April 4, 2014. Also pursuant to that order and the three subsequent  
14 modifications, the parties were to meet and confer and then submit a stipulation by May 5, 2014  
15 proposing the timing of further proceedings and identifying any documents that are no longer in  
16 controversy.

17 The parties seek to enlarge the time to file that stipulation to June 5, 2014. This would  
18 allow Plaintiff's counsel sufficient time to review supplemental *Vaughn* Indexes, declarations and  
19 records released by Defendants on March 21, March 25 and April 4, 2014. The released material is  
20 voluminous and requires significant cross-referencing with prior releases. This will also allow time  
21 for the parties to attempt to narrow or resolve remaining issues in the case, potentially lessening the  
22 burden on the Court.

23 The parties have sought three previous enlargements of time to allow Defendants additional  
24 time to review and process records and produce supplemental *Vaughn* Indexes and declarations in  
25 response to the Court's September 30, 2013 Order. (*See* Doc. Nos. 84, 86, & 88.) Since that Order,  
26 the parties have been diligently working to move the case forward. As the parties have already  
27 completed one round of summary judgment briefings and are working to narrow the remaining  
28 issues in the case, an enlargement of time to June 5, 2014 will not significantly affect the schedule

1 for the case.

2  
3 DATED: May 5, 2014

4 Respectfully submitted,

5 /s/ Jennifer Lynch  
6 ELECTRONIC FRONTIER FOUNDATION  
7 Jennifer Lynch, Esq.  
8 815 Eddy Street  
9 San Francisco, CA 94109  
Telephone: (415) 436-9333  
Facsimile: (415) 436-9993

10 David L. Sobel (*pro hac vice*)  
11 ELECTRONIC FRONTIER FOUNDATION  
12 1818 N. Street, N.W., Suite 410  
13 Washington, DC 20036  
Telephone: (415) 436-9333 x202  
Facsimile: (415) 436-9993

14 *Attorneys for Plaintiff*

STUART F. DELERY  
Assistant Attorney General

ELIZABETH J. SHAPIRO  
Deputy Branch Director

/s/ Kathryn C. Davis  
KATHRYN C. DAVIS  
Counsel  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, N.W., Room 6130  
Washington, D.C. 20530  
Telephone: (202) 616-8293  
Facsimile: (202) 616-8460

*Attorneys for Defendant*

**DECLARATION PURSUANT TO CIVIL L. R. 5-1(i)(3)**

I, Jennifer Lynch, attest that I have obtained the concurrence of Kathryn C. Davis, counsel for Defendant, in the filing of this document.

Executed on May 5, 2014, in San Francisco, California.

/s/ Jennifer Lynch

Jennifer Lynch

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/6/2014

  
Hon. Sandra B. Armstrong  
United States District Judge